United Nations CEDAW/C/PHL/CO/7-8

Convention on the Elimination of All Forms of Discrimination against Women

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**Committee on the Elimination of Discrimination against Women**

# Concluding observations on the combined seventh and eighth periodic reports of the Philippines*

1. The Committee considered the combined seventh and eighth periodic reports of the Philippines (CEDAW/C/PHL/7-8) at its 1405th and 1406th meetings, on 5 July 2016 (see CEDAW/C/SR.1405 and 1406). The Committee's list of issues and questions is contained in CEDAW/C/PHL/Q/7-8 and the responses of the Philippines are contained in CEDAW/C/PHL/Q/7-8/Add.1.

## A. Introduction

2. The Committee appreciates the submission by the State party of its combined seventh and eighth periodic reports. It also appreciates the State party's written replies to the list of issues and questions raised by the pre-sessional working group and welcomes the constructive engagement of and oral presentation by the delegation, in addition to the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party on its multisectoral delegation, which was co-headed by the Permanent Representative of the Philippines to the United Nations Office and other international organizations in Geneva, Cecilia B. Rebong, and by Foreign Affairs Adviser, Rosario Manalo. The delegation also included representatives of the Philippine Commission on Women, the Department of Health, the Department of Social Welfare and Development, the Department of Justice, the Department of Foreign Affairs, the Department of Labour and Employment, the Regional Commission on Bangsamoro Women, the Philippine Overseas Employment Administration, the National Commission for Indigenous Peoples, the Commission on Higher Education and the National Economic and Development Authority, together with the representative of the Philippines to the Association of Southeast Asian Nations (ASEAN) Commission on the Promotion and Protection of the Rights of Women and Children.

* Adopted by the Committee at its sixty-fourth session (4-22 July 2016).

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## B. Positive aspects

4. The Committee welcomes the progress achieved since its consideration in 2006 of the State party's combined fifth and sixth periodic reports (CEDAW/C/PHI/5-6) in undertaking legislative reforms, in particular the adoption of the following legislation:

(a) Expanded Anti-Trafficking in Persons Act of 2012 (Republic Act No. 10364), in 2013;

(b) Domestic Workers Act (Republic Act No. 10361), in 2013;

(c) Responsible Parenthood and Reproductive Health Act (Republic Act No. 10354), in 2012;

(d) Magna Carta of Women (Republic Act No. 9710), in 2009.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, including the following:

(a) Adoption of the women's empowerment, development and gender equality plan, covering the period 2013-2016;

(b) Adoption of the national action plan on women and peace and security, covering the period 2010-2016, aimed at the implementation of Security Council resolutions 1325 (2000) and 1820 (2008);

(c) Establishment of the Philippine Commission on Women with a mandate to advance the women's priority legislative agenda and monitor the implementation of the women's empowerment, development and gender equality plan;

(d) Designation of the Commission on Human Rights as the Gender Ombud.

6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party has ratified the Domestic Workers Convention, 2011 (No. 189), of the International Labour Organization (ILO).

## C. Principal areas of concern and recommendations

### Congress

**7. The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth session, in 2010). It invites Congress, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the next reporting period under the Convention.**

### General context

8. The Committee notes with appreciation that the State party has made considerable progress towards achieving gender equality, reflected in its seventh-place ranking in the Global Gender Gap Index in 2015, and towards achieving

Millennium Development Goal 3 on gender equality. The Committee notes that the State party achieved significant economic growth during the period under review, notwithstanding severe damage caused by a series of natural disasters, including typhoons and earthquakes. The Committee also notes that the State party signed the Comprehensive Agreement on the Bangsamoro, a temporary peace agreement with the Moro Islamic Liberation Front, to put an end to a long-lasting armed conflict. In addition, the State party has a large proportion of its population working abroad as migrant workers, many of them women. The protection of the rights of women who face multiple and intersecting forms of discrimination is also a particular concern in the State party.

9. **The Committee recommends that the State party further accelerate its achievement of substantive gender equality and the full realization of human rights for women, in particular by strengthening a gender-sensitive approach to development, peace and security, transitional justice, migration, disaster risk reduction, preparedness and response, and the mitigation of the negative impacts of climate change, with special attention paid to women facing multiple and intersecting forms of discrimination. The Committee also recommends that the State party ensure the active and meaningful participation of women and women's rights organizations in such processes.**

**Legislative framework**

10. The Committee notes that the Constitution stipulates that generally accepted principles of international law and treaties ratified by the State party form part of the law of the land (CEDAW/C/PHL/7-8, para. 14). However, the Committee is concerned that, in case of an irreconcilable conflict between treaty norms and national laws, the latter would prevail, in line with the current jurisprudence of the Supreme Court.

11. **The Committee recommends that the State party clarify the status of the Convention in its national legal order and ensure the precedence of its provisions over national laws in cases of conflict. The Committee also recommends that the State party ensure that such laws are applied and interpreted in conformity with the provisions of the Convention.**

12. The Committee welcomes the adoption of the Magna Carta of Women in 2009, but notes that the harmonization of national legislation with the Magna Carta is still pending, including amendments to the Family Code, the Revised Penal Code of 1930, the Anti-Rape Law of 1997 (Republic Act No. 8353), the Anti-Sexual Harassment Act of 1995 (Republic Act No. 7877) and the Code of Muslim Personal Laws. The Committee is also concerned that the adoption of a number of bills necessary for the implementation of the Convention, including a bill on divorce, a bill on recognizing repeated abuse as a ground for legal separation, a bill expanding the definition of sexual harassment and a bill for a magna carta of workers in the informal economy, has been pending for a long time.

13. **The Committee recommends that the State party strengthen its efforts for the full and timely implementation of the women's priority legislative agenda, in order to expedite the full harmonization of national legislation with the Convention and the Magna Carta of Women, and that it establish effective**

**mechanisms to monitor the implementation of these laws, with the participation of women's organizations, at both the national and local levels.**

**Access to justice**

14. The Committee notes with concern:

(a) That no effective remedies have been provided to the authors of communications No. 18/2008 (*Vertido v. the Philippines*) and No. 34/2011 (*R.P.B. v. the Philippines*);

(b) That discriminatory gender stereotypes, stigmatization and the lack of adequate support systems all pose barriers to justice and to effective remedies for women, in particular those facing multiple forms of discrimination, such as women in poverty, women with disabilities, indigenous and Muslim women, women living in geographically inaccessible areas, and lesbian, bisexual and transgender women;

(c) That a number of judicial decisions, including decisions on sexual and reproductive health rights and gender-based violence against women, are not fully compliant with the provisions of the Convention;

(d) That judicial and legal procedures at courts, police stations and health-care facilities are not sufficiently accessible to persons with disabilities and are often gender-insensitive.

15. **The Committee urges the State party to provide effective remedies to the authors of communications No. 18/2008 (*Vertido v. the Philippines*) and No. 34/2011 (*R.P.B. v. the Philippines*), in line with the recommendations issued by the Committee (see CEDAW/C/46/D/18/2008 and CEDAW/C/57/D/34/2011), and to submit its responses on these cases without any further delay.**

16. **With reference to its general recommendation No. 33 (2015) on women's access to justice, the Committee recommends that the State party:**

(a) **Ensure that justice systems, both formal and informal, do not discriminate against women and are secure, affordable and physically accessible for women, including those who face intersecting forms of discrimination, such as by institutionalizing accessibility for women with all forms of disabilities, and raise awareness among women about all available justice systems;**

(b) **Take measures, including the development of capacity-building programmes for justice system personnel, in order to strengthen gender responsiveness and gender sensitivity and ensure that the various religious, customary and indigenous justice systems harmonize their norms, procedures and practices with the Convention;**

(c) **Ensure that the justice system, including the transitional justice system, provides and enforces remedies for women that are effective, gender-sensitive and proportionate to the gravity of the harm suffered;**

(d) **Assess the functionality and effectiveness of women and children protection desks at police stations, in consultation with all stakeholders,**

**including women who are victims of violence and women's rights organizations, in order to enhance the responsiveness of the desks.**

**National machinery for the advancement of women**

17. The Committee commends the State party on its commitment to strengthening the capacity of the Philippine Commission on Women in promoting gender equality and gender mainstreaming in the State party. However, the current level of resources available to the Commission is not sufficient for its mandate.

18. **The Committee recommends that the State party provide the Philippine Commission on Women with sufficient technical, human and financial resources to discharge its mandate effectively.**

**National human rights institution**

19. The Committee notes that the Commission on Human Rights is designated as Gender Ombud and mandated with the promotion and protection of human rights for women, including the investigation of complaints of discrimination and violations of their rights. It is concerned, however, about the general lack of political will on the part of government institutions to act promptly on the findings and resolutions of the Commission regarding violations of the Magna Carta of Women.

20. **The Committee recommends that the State party put in place mandatory mechanisms that would protect and ensure the full independence of the Commission and make its resolutions legally binding on government agencies, especially those responsible for imposing sanctions for violations of the Magna Carta of Women.**

**Temporary special measures**

21. The Committee notes with concern that several bills to implement temporary special measures provided for in the Magna Carta of Women are still pending and that there is no mechanism to monitor the implementation of such temporary special measures and assess their impact.

22. **With reference to its general recommendation No. 25 (2004) on temporary special measures, the Committee recommends that the State party:**

(a) **Expedite the adoption of the pending bills referred to in paragraph 21 above to implement temporary special measures, including a statutory quota for the representation of women as candidates in elections, in appointed positions in the Government and among the beneficiaries of scholarships and training opportunities for government officials;**

(b) **Implement those temporary special measures provided under sections 11 (a) and (b) of the Magna Carta of Women that do not require legislation for implementation, in particular in relation to women's representation on development councils at all levels;**

(c) **Use temporary special measures to enhance substantive equality of girls and women belonging to disadvantaged sections, including minority groups and communities;**

**(d) Institute a mechanism to monitor the impact of temporary special measures taken, track trends over time and take necessary corrective measures, including introducing sanctions for non-compliance, and provide in the next report detailed information and an assessment of results achieved.**

### Stereotypes and harmful practices

23. The Committee welcomes the efforts made by the State party to remove discriminatory gender stereotypes from teaching materials used in schools. It is nevertheless concerned about persisting stereotypes regarding the roles and responsibilities of women and men in the family and in society, as well as derogatory statements and behaviour by high-level political figures with regard to women and public acquiescence to such statements and behaviour.

24. **The Committee recommends that the State party:**

**(a) Put in place a comprehensive strategy with proactive and sustained measures aimed at both women and men at all levels of society, including political, traditional and religious leaders, to eliminate discriminatory stereotypes about the roles and responsibilities of women and men in the family and in society;**

**(b) Encourage the media to portray positive images of women and the equal status of women and men in public and private life and to avoid gender stereotypes in media coverage of gender-based violence against women;**

**(c) Fully implement the recommendations of the Commission on Human Rights in its resolution on case No. 2016-078.**

### Gender-based violence against women

25. The Committee notes the legislation in place in the State party and the comprehensive policy framework and inter-agency mechanisms to combat gender-based violence against women, but is concerned about:

(a) The high prevalence of gender-based violence against women and girls and the low reporting of incidents of violence, in particular domestic violence and sexual violence, due to stigmatization of and discrimination against victims;

(b) The limited scope of the Anti-Violence against Women and Their Children Act of 2004 (Republic Act No. 9262), which is focused mainly on domestic violence by intimate partners;

(c) The fact that statutory rape under the Anti-Rape Law of 1997 is limited to cases in which the victim is under 12 years of age;

(d) The increasing incidence of online sexual exploitation and abuse of children;

(e) Intensified gender-based violence against women, including by members of the armed forces, such as killings and sexual violence and abuse in conflict-affected areas and in areas of large-scale development projects;

(f) The lack of disaggregated data on gender-based violence against women in the context of displacement, armed conflict, disaster, migration and trafficking situations, as well as on gender-based violence against women with disabilities.

26. **The Committee recommends that the State party:**

**(a) Adopt comprehensive legislation on gender-based violence against women covering all forms of violence;**

**(b) Expedite the amendment of the Anti-Rape Law of 1997, putting lack of consent as the primary element of the definition of rape and raising the minimum age of sexual consent, currently set too low at 12 years, to at least 16 years;**

**(c) Strengthen its response to online sexual exploitation and abuse of children, including through the implementation of the statement of action by Governments to tackle online child sexual exploitation, issued at the #WePROTECT Children Online summit held in Abu Dhabi in 2015, and adopt pending bills expanding the definition of sexual harassment to include peer sexual harassment and cyberharassment;**

**(d) Prevent, investigate and punish all forms of gender-based violence, in particular sexual violence perpetrated by State and non-State actors, apply a zero-tolerance policy to combat impunity and provide necessary support to women and girls who are at risk or victims of such violence, including during times of armed conflict, in line with the Committee's general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations;**

**(e) Address the root causes of the vulnerability of women and girls to violence, including poverty, inequality in family relations, insecurity, and discriminatory stereotypes;**

**(f) Systematically collect comprehensive and disaggregated data on gender-based violence against women in displacement, armed conflict, disaster, migration and trafficking situations, as well as on gender-based violence against women with disabilities.**

### Trafficking and exploitation of prostitution

27. The Committee welcomes the efforts made by the State party to prevent and combat trafficking in persons, in particular women and girls, including the adoption of the Expanded Anti-Trafficking in Persons Act of 2012, which provides for more severe penalties for traffickers and decriminalizes victims of trafficking, the establishment of the Inter-Agency Council against Trafficking and the launch of the Philippine Anti-Trafficking in Persons Database. Nevertheless, the Committee notes with concern that the State party remains a source country for international and internal trafficking, including for sexual exploitation, forced labour, domestic servitude and organ transplantation. In this regard, the Committee is concerned:

(a) That the current legislative framework against trafficking in persons does not explicitly cover contemporary methods, such as online matchmaking, which can be used as a tool for trafficking in persons;

(b) That prevention of trafficking remains weak, especially during and after disasters and armed conflicts;

(c) That there is a lack of designated shelters for victims of trafficking and a lack of support for their rehabilitation and reintegration.

28. **The Committee recommends that the State party:**

**(a) Effectively implement the Expanded Anti-Trafficking in Persons Act of 2012;**

**(b) Develop a legal framework to explicitly address contemporary methods of trafficking, which make use of information and communications technologies;**

**(c) Address the root causes of and women's vulnerability to trafficking, in particular in the context of disasters, conflicts and displacements;**

**(d) Develop shelters specifically for victims of trafficking and ensure that victims have access to assistance, rehabilitation and reintegration programmes;**

**(e) Step up efforts aimed at bilateral, regional and international cooperation to prevent trafficking, including by exchanging information and harmonizing legal procedures to prosecute traffickers.**

29. The Committee is concerned that a large number of women are subjected to exploitation through prostitution in the State party and that women in prostitution are criminalized under the Penal Code, while few efforts are being made to address the demand side of prostitution.

30. **The Committee recommends that the State party review the Penal Code to decriminalize women in prostitution, adopt measures aimed at discouraging male demand for prostitution, expedite the adoption of the pending anti-prostitution bills, address the root causes of prostitution, provide women with alternative income opportunities, and provide assistance, rehabilitation and reintegration programmes for women and girls exploited in prostitution, in addition to exit programmes for women wishing to leave prostitution.**

**Participation in political and public life**

31. The Committee welcomes the increased representation of women in the Government, the public service and the judiciary, including at the decision-making level. The Committee also commends the State party on its adoption of the national action plan on women and peace and security, which is aimed at implementing Security Council resolutions 1325 (2000) and 1820 (2008), and the active participation of women in peace and transitional justice processes. The Committee remains concerned, however, about the underrepresentation of women from vulnerable groups, such as indigenous and Muslim women, in all areas of political and public life, and about the lack of information on the adoption of a political party development act, which could mandate parties to apply quotas in the selection of candidates.

32. **The Committee recommends that the State party continue its efforts to achieve equal representation of women and men in political and public life. It recommends, in particular, that the State party:**

(a) **Expedite the adoption of statutory quotas for the representation of women on lists of candidates fielded by political parties for congressional elections, with measurable benchmarks;**

(b) **Ensure diversity in the representation of women in legislative, administrative and judicial bodies, including Muslim women, indigenous women and women with disabilities;**

(c) **Adopt regional and local action plans in the Autonomous Region in Muslim Mindanao to implement the national action plan on women and peace and security, and ensure the full participation of Muslim and indigenous women in political and public life at all levels in the Region.**

**Education**

33. The Committee commends the State party on having achieved Millennium Development Goal 2 on universal access to primary education and a higher literacy rate for girls than boys in both basic and functional literacy, and on having integrated sexual and reproductive health education into primary, secondary and higher education. However, the Committee is concerned about:

(a) The lower number of girls enrolled in pre-primary and primary education compared with boys and the lack of information on girls out of school;

(b) Gender segregation in higher education, with low enrolment of women and girls in non-traditional fields of study such as science, technology, engineering, mathematics and agriculture;

(c) The high incidence of sexual violence and sexual harassment against girls in schools;

(d) The lack of operational guidelines and training for teachers on delivering age-appropriate education on sexual and reproductive health and rights.

34. **The Committee recommends that the State party:**

(a) **Promote the enrolment of girls in pre-primary and primary education;**

(b) **Analyse and address obstacles faced by girls who are not enrolled in or who have dropped out of school, as a part of efforts to ensure that all girls and boys complete primary and secondary education, including through the use of temporary special measures for those belonging to minority communities;**

(c) **Enhance its efforts to overcome gender segregation in higher education, with a view to increasing women's enrolment in non-traditional fields of study such as science, technology, engineering, mathematics and agriculture;**

(d) **Effectively investigate and prosecute cases of sexual violence and harassment against girls in schools and adequately punish perpetrators, and**

**ensure that the committees on decorum and investigation that are established in schools and mandated to accept complaints of sexual harassment do not in effect hinder the investigation and prosecution of perpetrators of sexual violence and harassment at schools by formal criminal justice bodies;**

**(e) Develop operational guidelines for schools and provide training for teachers in order to deliver high-quality, age-appropriate education on sexual and reproductive health and rights for all girls and boys, including those with disabilities.**

**Employment**

35. The Committee welcomes the removal of the prohibition on night work for women and the adoption of the Domestic Workers Act, but remains concerned about:

(a) Women's overrepresentation in the informal sector;

(b) Persistent occupational gender segregation, with women being concentrated in social and caregiving work;

(c) The wide gender wage gap in the State party and the restrictive interpretation of the principle of equal pay for work of equal value;

(d) Widespread sexual harassment in the workplace and the prevalence of impunity.

36. **The Committee recommends that the State party:**

**(a) Intensify measures to increase the protection of human rights for women working in the informal sector and efforts to facilitate the entry of women workers into the formal sector, including through use of temporary special measures for women belonging to minority groups;**

**(b) Eliminate horizontal and vertical gender segregation in the labour market, including by adopting temporary special measures to promote access for women to employment;**

**(c) Expedite the amendment of the Labour Code to expand the list of prohibited acts of discrimination against women on account of sex and the adoption of pending bills to expand the definition of sexual harassment to include peer sexual harassment, and increase penalties for such crimes;**

**(d) Strengthen efforts to investigate and impose sanctions for sexual harassment in the workplace, whether committed in the public or private sector, in line with the Committee's general recommendation No. 19 (1992) on violence against women;**

**(e) Establish objective job evaluation schemes for the application of the principle of equal pay for work of equal value in accordance with the Convention and the Equal Remuneration Convention, 1951 (No. 100), of ILO.**

**Women migrant workers**

37. The Committee welcomes the adoption, in 2010, of the amended Migrant Workers and Overseas Filipinos Act of 1995 (Republic Act No. 10022) to protect migrant workers working in the State party. It is concerned, however, at the widespread exploitation and abuse of Filipina migrant workers working abroad, in particular as domestic workers, and the insufficient support provided to reintegrate those who return. The Committee also notes that the protection of migrant workers under ASEAN migration policies does not cover unskilled migrants, who constitute the majority of Filipina migrant workers.

38. **The Committee recommends that the State party:**

(a) **Enhance its efforts to effectively protect the rights of Filipina migrant workers abroad, through bilateral agreements and memorandums of understanding with countries and regions to which Filipinas migrate in search of work;**

(b) **Strengthen the regulation and inspection of recruitment agencies for migrant workers and the sanctions applicable in case of breaches of relevant regulations;**

(c) **Continue its efforts to raise awareness among women migrant workers about their rights, the risks that they may face and the channels that they can use to seek remedies in case of violations of their rights, through pre-departure briefings and public information campaigns;**

(d) **Investigate, prosecute and punish perpetrators of exploitation and abuse of women migrant workers, in particular domestic workers, who are under its jurisdiction;**

(e) **Provide gender-responsive support to returning women migrant workers for their reintegration.**

**Health**

39. The Committee notes that, in 2014, the Supreme Court recognized the constitutionality of the Responsible Parenthood and Reproductive Health Act and that the Act has subsequently entered into force. It also notes that some legislation, including local executive orders inconsistent with the Act, has been revoked by the Act. The Committee is concerned, however, that women's access to sexual and reproductive health services is still severely restricted and:

(a) That early pregnancies, unsafe abortions and HIV/AIDS infections are increasing, in particular among adolescent girls;

(b) That there has been a lack of specific measures to implement the recommendations of the Committee's inquiry conducted in 2012 (CEDAW/C/OP.8/PHL/1), including with regard to access to modern contraceptives and the legalization of abortion under certain circumstances;

(c) That the implementation of the Responsible Parenthood and Reproductive Health Act has not been consistent throughout the State party, no

mechanism to monitor its implementation has been established, and there have been substantial cuts in the budget for this implementation;

(d) That the revocation of Executive Orders Nos. 003 and 030 of Manila City has been implied by the adoption of the Responsible Parenthood and Reproductive Health Act but has not been expressly declared, resulting in confusion among health professionals and a persistent lack of access to services and information about sexual and reproductive health and rights for women and girls in Manila City;

(e) That Sorsogon City adopted Executive Order No. 3 in February 2015, which resulted in the withdrawal of modern contraceptives from city and community health facilities.

40. **The Committee recommends that the State party fully implement, without delay, all the recommendations issued by the Committee in 2015 in the report on its inquiry (CEDAW/C/OP.8/PHL/1, paras. 49-52), including with regard to access to modern contraceptives and the legalization of abortion under certain circumstances.**

**Economic empowerment of women**

41. The Committee welcomes the initiatives taken by the State party to develop a social protection floor, but is concerned that women living in poverty in rural and urban areas, in particular those working in the informal sector, lack access to social security.

42. **With reference to its general recommendations No. 16 (1991) on unpaid women workers in rural and urban family enterprises and No. 34 (2016) on the rights of rural women, the Committee recommends that the State party:**

(a) **Ensure that women engaged in unpaid work or in the informal sector, both in rural and urban areas, have access to non-contributory social protection and that those employed in the formal sector have access to contributory social security benefits in their own right, irrespective of their marital status;**

(b) **Adopt gender-responsive social protection floors to ensure that all rural women have access to essential health care, childcare facilities and income security, in line with article 14 (2) (b), (c) and (h) of the Convention and the Social Protection Floors Recommendation, 2012 (No. 202), of ILO.**

**Rural women**

43. The Committee is concerned that women living in rural areas are disproportionately affected by poverty and by food and water insecurity as a result of the discrimination that they face in relation to income, to access to land tenure, to extension services and training, and to participation in decision-making. In particular, the Committee is concerned that women benefit significantly less from the outcome of agrarian reforms, depriving them of access to productive resources. Furthermore, it is concerned that land appropriation and the resulting displacement due to extractive industries, development projects and disasters continue to affect rural women disproportionately.

**44. With reference to its general recommendation No. 34, the Committee recommends that the State party:**

**(a) Ensure that rural women have access to adequate food, nutrition, water and sanitation, taking into account international human rights standards on such rights;**

**(b) Eliminate income discrimination against rural women as compared with rural men, and improve rural working conditions by setting living wages, with urgent attention paid to the informal sector;**

**(c) Ensure the integration and mainstreaming of a gender perspective into all agricultural and rural development policies, strategies, plans and programmes, enabling rural women to act and be visible as stakeholders, decision makers and beneficiaries;**

**(d) Disseminate the text of the general recommendation in local languages throughout municipalities with the aim of raising awareness about its recommendations, especially among local non-governmental organizations.**

**Disadvantaged groups of women**

45. The Committee is concerned:

(a) That Muslim women, indigenous women, women with disabilities, women migrant workers working and returning from abroad, internally displaced persons and lesbian, bisexual and transgender women face a heightened risk of violence, exploitation and abuse, as well as discrimination in political and public life, marriage and family relations, employment, education, access to justice and health care;

(b) That Muslim, indigenous and other women living in rural areas are subjected to forced evictions and relocations as a result of large development projects and extractive industries;

(c) That the provisions of the draft Bangsamoro basic law may undermine the rights of indigenous peoples to ancestral lands and domains;

(d) That there have been alleged cases of extrajudicial killings of, and gender-based violence against, women human rights defenders from indigenous communities.

**46. The Committee recommends that the State party:**

**(a) Take measures to ensure equal rights, opportunities and protection for women facing multiple and intersecting forms of discrimination, taking into consideration the specific risks and particular needs of different groups and ensuring the full and meaningful participation of women representing such groups;**

**(b) Ensure that the policies, projects and practices relating to development and land governance, including those that may entail relocation, are fully in line with relevant international standards, including the basic principles and guidelines on development-based evictions and displacement (see**

**A/HRC/4/18, annex I), and that victims of forced eviction and relocation are provided with effective remedies, including compensation, in a timely manner;**

**(c) Fully consult Muslim (Bangsamoro) and non-Muslim indigenous communities in order to identify and implement innovative solutions to land management that ensure women's rights in line with the rights of non-Muslim indigenous peoples enshrined in the Indigenous Peoples' Rights Act of 1997 (Republic Act No. 8371) and the United Nations Declaration on the Rights of Indigenous Peoples, as well as with those of Bangsamoro communities;**

**(d) Investigate and prosecute all acts of violence against indigenous women human rights defenders, provide effective remedies to the victims and prevent the recurrence of such acts;**

**(e) Ensure the protection of internally displaced women from violence and their effective access to social services and economic development.**

### Natural disasters and climate change

47. The Committee welcomes the fact that the legal and policy framework relevant to natural disasters and climate change mainstreams gender-sensitive responses across government agencies. It is concerned, however, that this framework has not been effectively translated into practice.

**48. The Committee recommends that the State party:**

**(a) Consistently prioritize the protection of women's rights, in particular protection from gender-based violence, in situation analyses, needs assessments and interventions relating to disaster risk reduction, preparedness and response to natural disasters, as well as in the mitigation of the negative impacts of climate change;**

**(b) Ensure the full and meaningful participation of women, including those who face multiple and intersecting forms of discrimination, in designing, implementing and monitoring relevant legal and policy frameworks;**

**(c) Regularly assess the effectiveness of relevant legal and policy frameworks in protecting women's rights with clear baselines and measurable indicators, and provide information on the achievements made in the next periodic report.**

### Marriage and family relations

49. The Committee welcomes the adoption of Republic Act No. 10655, which decriminalizes "premature marriage", namely, the remarriage of a woman during a certain period following the death of her husband or the dissolution of the marriage. The Committee also notes the fatwa on model family in Islam, adopted in 2015, which encourages Muslim young people to marry after 18 years of age and rejects gender-based violence against women as being inconsistent with sharia. The Committee is concerned, however, that inequality in marriage and family relations continues to exist under the law and notes with particular concern:

(a) The delay in the adoption of a bill to repeal the provision of the Family Code that grants a husband's decision supremacy over that of his wife with regard to

community property, the exercise of parental authority and guardianship over a child;

(b) The prohibition on divorce in the State party, except under the Code of Muslim Personal Laws, and the costly and lengthy procedures for legal separation and annulment, which may have the effect of compelling victims of sexual and gender-based violence, especially those without resources, to remain in violent relationships;

(c) The contradictions between the provisions of the Magna Carta of Women and those of the Code of Muslim Personal Laws and customary laws applicable to Muslim and indigenous communities, which provide for unequal relations between husband and wife, including harmful practices such as polygamy and child and forced marriage, as well as unequal practices with respect to inheritance.

50. **The Committee recommends that the State party:**

**(a) Expedite the harmonization of the Family Code and other laws on marriage and family relations with the Convention and the Magna Carta of Women and ensure the equality of women and men, both in marriage and upon the dissolution of marriage, including by expediting the adoption of the long-pending divorce bill and by taking into account the Committee's general recommendations No. 21 (1994) on equality in marriage and family relations and No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution;**

**(b) Intensify its efforts to raise awareness about the Convention among Muslim communities, including women, men and traditional and religious leaders, in particular by disseminating information on good practices of other Muslim countries with regard to the application of sharia in line with the Convention;**

**(c) Harmonize the Code of Muslim Personal Laws and indigenous and Muslim customary laws with the Convention and the Magna Carta of Women, in particular by explicitly discouraging polygamy with a view to prohibiting it and prohibiting child and forced marriage, through consultation with the communities concerned and local women's rights organizations;**

**(d) Eliminate the root causes of child and forced marriage, including poverty, conflicts and insecurity, as well as vulnerability to the impact of natural disasters;**

**(e) Ensure the full participation of women in decision-making and legislative processes at the national, local and community levels, including in the codification and interpretation of religious norms or customs on marriage and family relations.**

**Beijing Declaration and Platform for Action**

51. **The Committee calls upon the State party to use the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention.**

**2030 Agenda for Sustainable Development**

52. **The Committee calls for the realization of substantive gender equality, in accordance with the provisions of the Convention, throughout the process of implementation of the 2030 Agenda for Sustainable Development.**

**Dissemination**

53. **The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official languages of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the ministries, the parliament and the judiciary, to enable their full implementation.**

**Technical assistance**

54. **The Committee recommends that the State party link the implementation of the Convention to its development efforts and that it avail itself of regional or international technical assistance in this respect.**

**Ratification of other treaties**

55. **The Committee notes that the adherence of the State party to the nine major international human rights instruments[1] would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance, to which it is not yet a party.**

**Follow-up to the concluding observations**

56. **The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 26 (a) and (b) and paragraph 40 above.**

**Preparation of the next report**

57. **The Committee invites the State party to submit its ninth periodic report in July 2020.**

58. **The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/GEN/2/Rev.6, chap. I).**

[1] The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.